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ABSTRACT

These learning activities on civil law are intended to supplement the secondary level Scholastic materials "Living Law." Case studies, simulations, and role-play activities are included. Information provided for each activity includes a brief overview, background information, teacher instructions and a description of each activity. Activities include: Lawyer's Fees--What's Reasonable?; Consumer Fraud; Consumer Goods and Services: What About Quality?; Consumer Prices: What Does It Cost?; The Civil Lawsuit; Small Claims Court; Landlord-Tenant Problems; Fair Housing; Sex Discrimination; Sex Discrimination and the Courts; Immigration Law; and The Problem of Illegal Aliens. (Author/RM)

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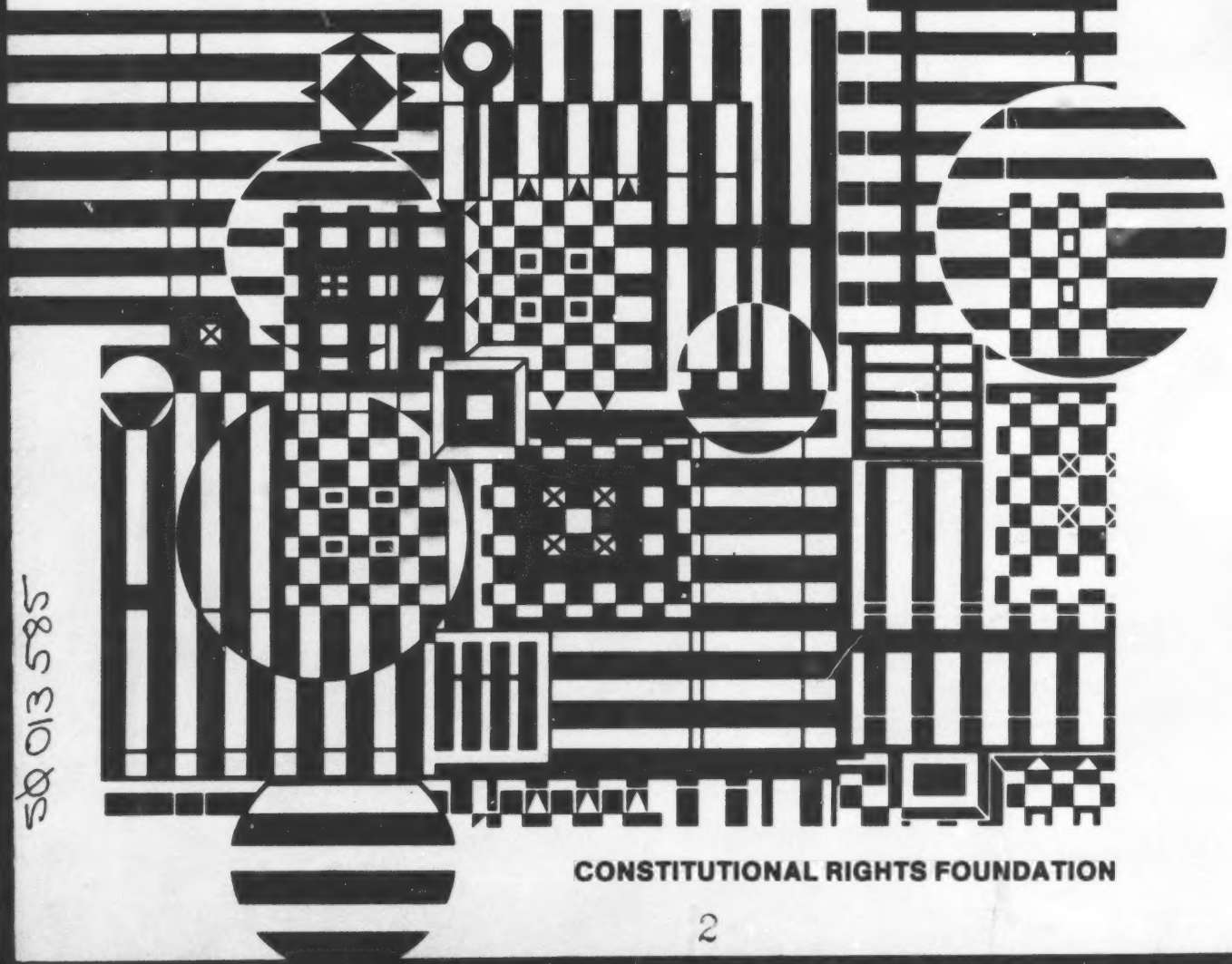
CIVIL LAW—12 ACTIVITIES



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Introduction

This manual of case studies, simulations, and role play activities has been developed to aid teachers in clarifying as well as enriching the lesson plans in the Scholastic materials—*Living Law*. In addition, these activity-oriented materials are intended to be integrated into existing law education programs.

Role playing and simulation can help teach young people how to more effectively manage conflict in their lives and in their world. Through active involvement and analysis, two essential ingredients in simulation, students can develop useful insights regarding the complexities of our society and the difficulty of conflict management. By taking the roles of other individuals in simulations, students can learn and understand how it feels to be caught in a conflict that must somehow be resolved. They can understand that our legal and political system which may seem to be made up of faceless bureaucracies are really run by people. They can learn to analyze and evaluate how and why our system succeeds and fails. In view of the fact that these lessons are activity-oriented they therefore maximize the students' opportunity for participation.

The format of this manual will include a brief overview, background information, teacher instructions and a description of each activity.

As the students study the materials in this book, keep in mind that much of law and the way it is interpreted has to do with the beliefs or values of those doing the interpreting.

The study of these problems will be most meaningful to the class if time is taken to formulate and evaluate individual ideas on these issues.

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CIVIL LAW— 12 ACTIVITIES

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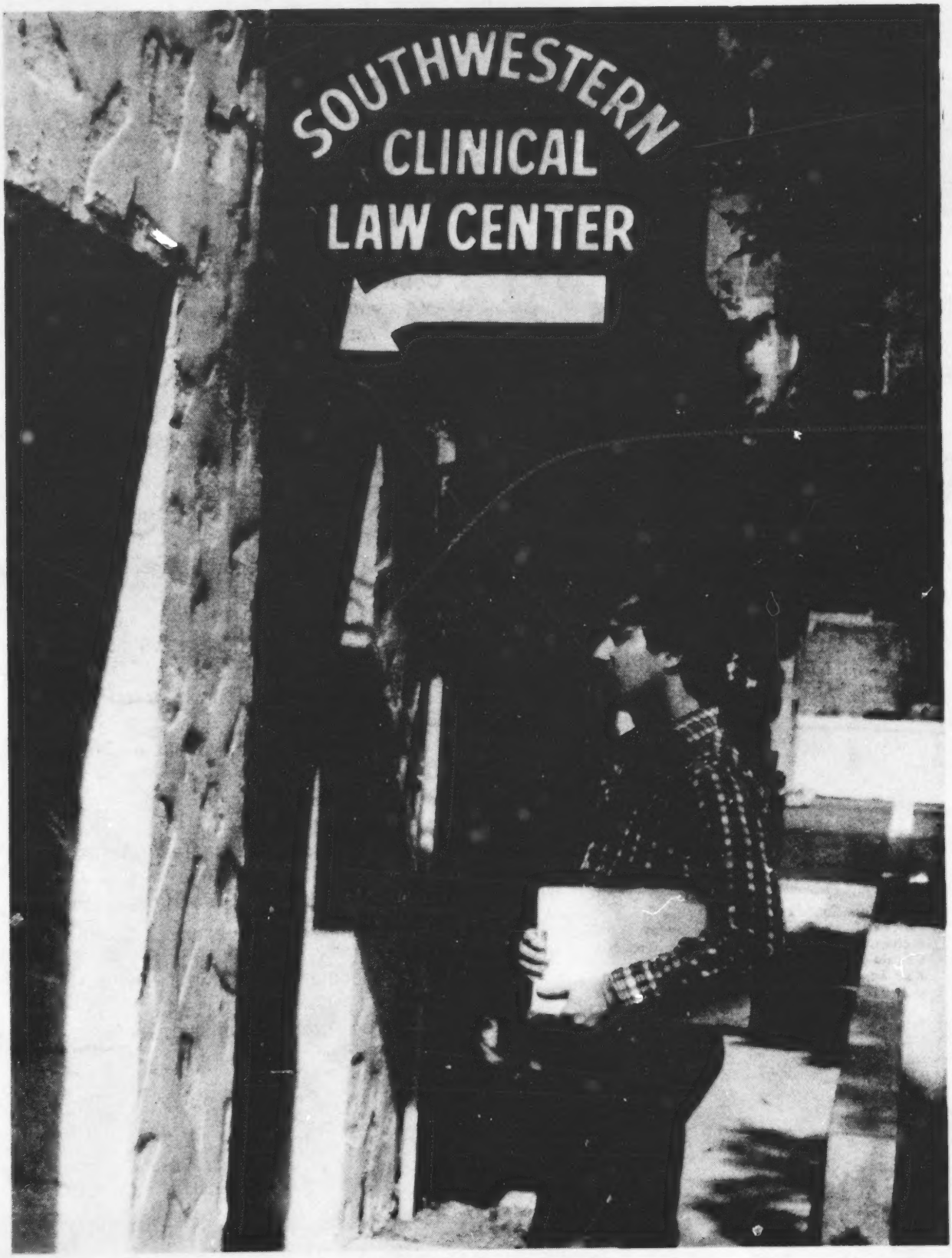
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Lawyers' Fees: What's Reasonable? (Simulation)

Usually, it is expensive to hire a lawyer. For this reason, lawyers' fees have become a very controversial subject. Some people argue that because of the cost of hiring a lawyer, many people lose their rights to due process. Other people point out that a lawyer must undergo a lengthy training period and therefore has the need to charge a high price for his work. To resolve this problem, some companies have agreed to provide legal insurance. Some lawyers have also tried to solve the problem by forming "legal clinics". A legal clinic is a group of lawyers who handle a large volume of cases and are able to charge less for their services.

OBJECTIVE: To identify the criteria for determining the cost of lawyer's services

NOTE: *This lesson is designed for peer teaching.*

The following background information is provided for classroom and/or peer teachers.

For the first time, California lawyers are now forbidden to charge exorbitant fees and to knowingly practice their profession incompetently. These are among the many new rules set down in a guidebook entitled, "Rules of Professional Conduct" by the California Bar Association. Violation of the new rules can subject a lawyer to disciplinary action.

One of the new rules, the one which is of great interest to the general public is the rule providing guidelines for determining the reasonableness of a legal fee. It is only through personal recommendation that one finds a lawyer. There is no set standard—no book of suggested fees. Each lawyer determines his/her own fee for each individual case.

The new rules establish *guidelines* for lawyers to follow when setting fees. One of the first guidelines is for a lawyer to make sure that his/her fee is not so exorbitant as *to shock the lawyers of the community*. In other words, if most of the lawyers in the area are charging $400 for a divorce case, the new rules would condemn a lawyer charging $500 for the same type of case.

When setting a fee a lawyer should keep certain criteria in mind according to the new "Rules of Professional Conduct."

Simulation

Lawyers' Fees: What's Reasonable?

This lesson is designed for peer teaching. The class may also wish to invite a practicing attorney to visit the class to discuss attorneys' fees and answer questions.

You are a lawyer. You have spent your first three years as a lawyer working as a public defender in a large city. Now you and a partner have opened your own offices. You must decide what you will charge for your services. Since there are no set fees for lawyers' services, how will you decide what fees would be reasonable?

Often a decision about what fee is *reasonable* depends on the circumstances of a case. Some of the factors a lawyer may consider when setting a fee are:

(1) The nature of the crime
(2) The time involved to research the case and to appear in court
(3) The background of the client
(4) Whether the client is a personal friend
(5) Whether the case is in an area of specialization.

Look at the case on the following chart. Decide what legal fee you would charge each of the clients.

Case Background	Hours of Preparation (Research and Court Time)	Facts	Outcome	Fee
CASE A a. 55-year-old banker b. Salary-$45,000 per year c. Charge: Embezzlement of funds d. No prior arrest e. Felony—carries a possible state prison sentence	2 weeks preparation 5 court days	Good chance of proving innocent; witnesses in local area	Innocent	
CASE B a. 18-year-old college freshman b. Salary—$2,000 per year summer job; $15,000 income-middle class fam. c. Charge: Selling marijuana d. One prior arrest for marijuana e. Felony—carries a possible state prison sentence	1 week preparation A trial, if it happens, would take 3 court days	Will be difficult to get him off as police report indicates suspect found selling to undercover agent	Guilty	
CASE C a. 18-year-old high school student b. Salary—$1,800 per year working as a clerk in a store; Low income family—$8,000 per year c. Charge: Murder—gang related d. One prior arrest for disturbing the peace—gang related e. Felony—carries a possible state prison sentence	3-4 weeks preparation 1-2 weeks in court	Will be difficult to prove because some gang members are reluctant to testify	Guilty	

CASE D a. 45-year-old movie house owner b. Salary—$30,000 per year c. Charge: Showing pornographic films d. No prior arrests e. Misdemeanor—carries a maximum one-year jail sentence	1 week preparation 1-2 court days	Police officers have evidence of film; question exists as to whether it was really pornographic	Guilty	
CASE E a. 35-year-old photographer b. Salary—$35,000 per year c. No prior arrests d. Charge: Rape e. Felony—carries a possible state prison sentence	3-4 weeks preparation 1-2 weeks in court	The suspect had previously dated the victim; police have evidence of this	Guilty	
CASE F Appearance with three other lawyers before the U.S. Supreme Court on behalf of ten prisoners on "death row" to argue that California's death penalty violates the Federal Constitution	May take months or years of preparation. You must prepare a legal brief which takes a great deal of time	The prisoners have already been convicted of very serious crimes such as murder, rape, and kidnapping	Unknown: Issue still pending.	

Discussion Questions

1. What fees did the members of your class set in each case? How did they decide on these fees?
2. The following are fees suggested by attorneys who reviewed the six cases above. Keep in mind that these fees are estimates. In an actual case, the fee will vary depending upon the lawyer and the case:

   CASE A: $1,500-$5,000
   All the factors need to be taken into consideration. The most significant ones are that there are many hours of preparation and the client is able to pay.

   CASE B: $750
   Probably this case will not go to trial. Therefore, a fee of $750 would be reasonable. If the case did go to trial, the fee would be much more.

   CASE C: $2,500
   The many hours of preparation and court time in addition to the seriousness of the crime causes this fee to be set at $2500.

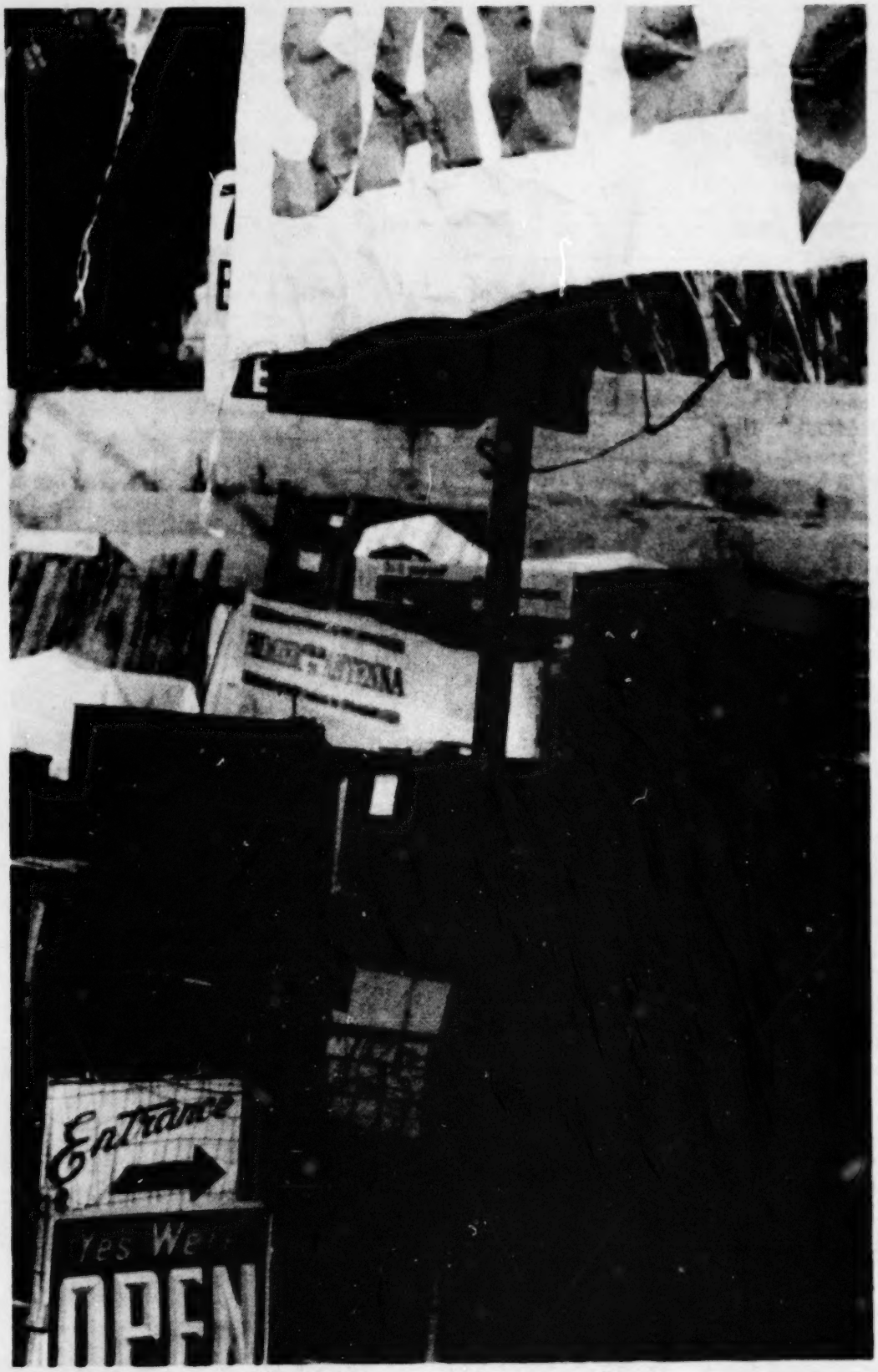
   CASE D: $500-$1,000
   The nature of the crime, a misdemeanor, would probably make this fee less than that in the previous case.

   CASE E: $3,500
   Extended time in court and many hours of preparation made this fee high. In addition, previous success in rape cases causes legal services to be more valuable.

   CASE F: $0
   No fee would probably be charged because the clients do not have any money. Another factor is the prestige of arguing a case before the U.S. Supreme Court.

   Are the fees suggested by class members similar to those suggested by practicing attrorneys? Do you feel the lawyer's fees are more or less reasonable than those suggested by members of the class?

3. Do you think lawyers should charge their fees according to the incomes of their clients or should flat hourly rates be charged in all cases? State your position and the reasons for it in one written paragraph.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2 Consumer Fraud (Case Study)

Consumer Law:
Some Questions and Answers

Q. What is consumer law?

A. Consumer law consists of all the laws and regulations having to do with buying and selling goods and services. Consumer law relates to questions such as those listed below:

1. I was really ripped off when _____
2. The biggest mistake I ever made was when I purchased a _____ because _____
3. How does my environment affect my physical and mental health?
4. How do I know this product is safe? How is this product tested?
5. If I were to give someone consumer information or advice, I would tell him/her: _____
6. How do I know whether a training course or school I attend is accredited?
7. I found that by buying on the installment plan my _____ cost me _____ times as much.
8. _____ is such a fine product. How can I tell the company how I feel about it?
9. Why have gas prices gone up?
10. What results can I expect from this prescription/ medical procedure? Are there any side effects?
11. Am I protected from consuming dangerous substances or items?
12. Who controls advertisers?
13. Are my doctor and lawyer licensed?

Q. Who makes consumer laws?

A. Consumer laws are made by:
1. State legislatures, Congress, city councils, and county governments.
2. Administrative and regulatory agencies such as the Federal Trade Commission, the Consumer Product Safety Commission, Federal Communications Commission, and the State Department of Consumer Affairs.
3. Federal and state courts.
4. Business, professional and special interest groups.

Q. What are some ways consumer laws protect consumers?

A. Consumer laws prohibit false or misleading advertising. They require the seller to be honest regarding the cost of items bought on credit and on reasons for credit application rejections. They require uniform units of measurement, disclosure of important information about products, services and ingredients in prepared foods, and they prohibit unfair sales schemes.

Q. What can a consumer who believes he/she has been cheated do?

A. First, ask the seller to correct the problem. If the seller refuses, contact the appropriate agency.

Teacher Instructions

OBJECTIVE: To develop an understanding of the concept of consumer fraud and explore alternative solutions available to a victim of consumer fraud.

1. Ask the students to read the brief overview on consumer law. Discuss, clarifying any questions they may have.
2. Assign the case study on Consumer Fraud. Various strategies can be utilized in this activity.
   a) Read and discuss the questions provided in small groups.
   b) Role play the case study and discuss.
   c) Students may write out their responses to the questions provided in the text after reading the case study.

There are many ways to trick or deceive the consumer. One way is for a seller to offer the consumer something that the seller doesn't own, such as the Brooklyn Bridge. This scheme has been popular with dishonest land developers who sell resort property to people who are planning to retire or who wish to build a vacation home. Victims of this kind of fraud often buy the consumer property sight unseen. When

they do visit their property, they often find that it does not even exist or that they do not own it. Generally, by then the seller has disappeared. Another example of this kind of fraud is committed by those sellers who rely on the public's desire to "get rich quick." Some people, for example, have been persuaded to buy worthless stock or other worthless things on the basis of the seller's assurances that they will make a "fortune" on the deal in a short period of time.

A second kind of fraud involves the "expert" who sells people something they do not need by suggesting to them that the item or treatment is needed. Selling snow to an Eskimo is one extreme example of this kind of salesmanship. Generally, these frauds are perpetrated on people who do not know what they need. They generally are not experts in a particular area and have come to the "expert" for advice. Health quacks, for example, may sell unsuspecting people medical treatments which they do not need and which do no good.

In the case study which follows, the plight of a consumer who felt that she had paid for some automobile parts and labor that she did not need is described.

Consumer Fraud: Case Study

Car Trouble

Mrs. Opal Clark owned a 1974 two-door sedan. She had had the car for over two years. The car had 27,000 miles on its odometer. One day as Mrs. Clark was driving her car, she noticed a thumping noise. The noise continued.

Newsom's Garage near her home. But Newsom, however, was on vacation. As a consequence she took her car to a large car dealer in her town, Harmon Auto.

When Mrs. Clark drove in, the service manager, Jack Stiles, greeted her. After she had described the noise, the service manager wrote up a service order for "thumping noise in left tire; clicking in speedometer." He estimated the cost of repairs to Mrs. Clark's car at $25. Mrs. Clark returned to her home.

Later in the day, Mrs. Clark received a call from the service manager at Harmon Auto. He explained that the mechanic had located the problem: bad front wheel bearings and bad front brakes. "The problem is more extensive than we anticipated," the service manager said. "The price for repair is $90.71. We need your authorization to go ahead." Mrs. Clark authorized the repair and requested that the worn out parts be returned to her.

When Mrs. Clark went to pick up her car, the work invoice listed the work which had been done and the parts which had been used: new left inner and outer and right outer wheel bearings; turn front rotors; new front disc pads. Mr. Stiles explained that the wheel bearings had gone bad because they had not been lubricated at 12,000 miles.

Mrs. Clark objected, noting that she had the car serviced regularly.

"They must have missed the bearings, then," Mr. Stiles went on, "because Bill Sorensen, our mechanic, knows bearings and he says they're bad. Got the bearings right here for you."

Mrs. Clark paid her bill. The next week she took her car to Newsom's Garage. She asked Mr. Newsom about the 12,000 mile check he had performed on her car. She showed Mr. Newsom the bearings.

"No, I recall distinctly that I lubricated those bearings, Mrs. Clark," Newsom said. "Let me see them. If it was my fault, I'll pay your bill."

Newsom checked the bearings carefully. He could find nothing wrong with them. "I doubt there was anything wrong with your brakes, either," he said. He examined the spare tire which Harmon Auto had said was "bad." "Here's your problem," Newsom said. "You have a flat spot in your tire and it makes a thumping noise. We'll test it."

Newsom put the spare tire back on Mrs. Clark's car and she drove around the block. The thumping noise returned. Then Newsom put the other tire on and took the tire with a flat spot off. The thumping noise stopped.

For Discussion:

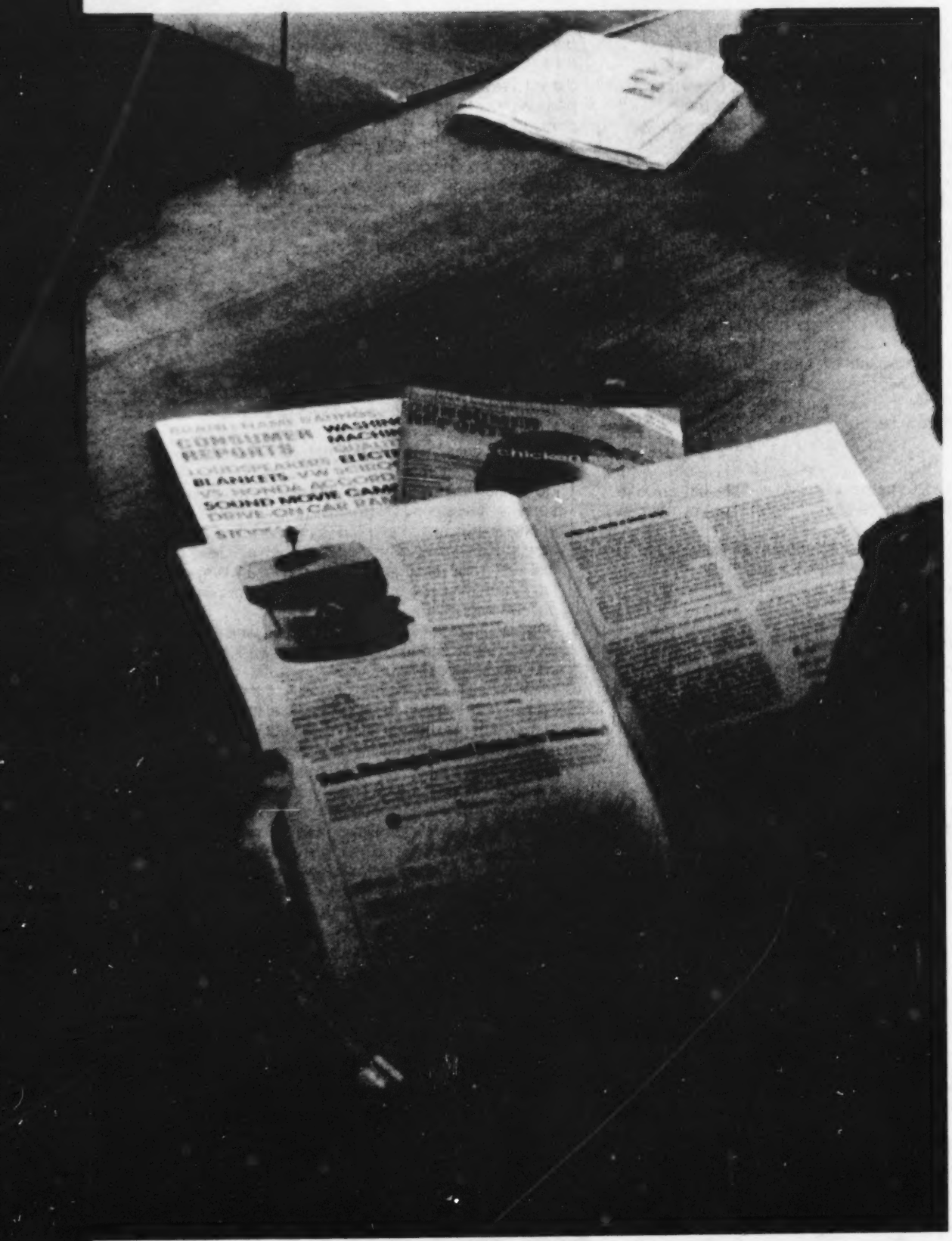
1. What is meant by the phrase "consumer fraud?"
2. What kind of consumer fraud is illustrated by the statement "they bought the Brooklyn Bridge?"
3. What kind of consumer fraud is illustrated by the statement "he would sell snow to an Eskimo?"
4. Can you think of any other kinds of situations that might involve consumer fraud? If so, why do you feel the situation involves consumer fraud?

The Consumer Takes Action

Mrs. Clark was noticeably upset over the situation. As a result, she first called the Better Business Bureau to report what had happened to her. The Bureau keeps a record of consumer complaints against businesses and asks consumers to fill out reports when a business has acted unfairly. The Better Business Bureau also referred Mrs. Clark to the Consumer Affairs Office at City Hall. This office was interested in Mrs. Clark's case and directed her to the police because she was reporting a crime.

The police department had a special unit which investigated fraud called the "bunco" squad. Detectives investigated Mrs. Clark's report and brought charges of "petty theft by false pretense" against Harmon Auto, Stuart Harmon—the owner, Jack Stiles—the service manager, and Bill Sorensen—the mechanic. The case was turned over to the City Attorney's office which decided that there seemed to be enough cause to prosecute the case.

Mrs. Clark returned to Harmon Auto. She told the service manager, Mr. Stiles, that the bearings did *not* need to be replaced nor did the brakes need repair. Stiles responded,


BLANKETS
SOUND MOVIE CAM

"Mrs. Clark, Bill Sorensen is one of our best mechanics and if he says those parts needed to be replaced, then they needed to be replaced."

Mrs. Clark demanded to see the owner of Harmon Auto, Stuart Harmon. His reply was the same. "The mechanic is right. The service manager is right. And if you are not satisfied, Mrs. Clark, you can sue me!"

Mrs. Clark decided to get some other opinions about the matter. She took the bearings to another repair shop, Acme Auto, and also to the factory representative of her automobile in her area. The chief mechanic at Acme indicated that the bearings were in perfect condition. Mrs. Clark explained that she had been told they needed to be replaced. "They are in perfect condition," repeated the mechanic. The factory representative, although reluctant to become involved in a potential legal dispute, agreed, too, that the bearings were in excellent condition.

Mrs. Clark recalled that the brakes had been performing satisfactorily before she took her car to Harmon Auto. She concluded that the repair shop had installed unnecessary parts on her car.

For Discussion:

1. Mrs. Clark believes herself wronged and she has failed to get satisfaction from the company. What do you think she should do? Why?
2. What agencies or organization do you think might be able to help Mrs. Clark with her problem? How?
3. What procedures do you think Mrs. Clark should follow? Why?

What is Consumer Fraud?

How often have you heard the expression, "He bought the Brooklyn Bridge," or "He would sell snow to an Eskimo"? These expressions refer, in general, to persons who are victims or perpetrators of a type of crime known as *consumer fraud*. Consumer fraud refers to the act of deceiving or tricking a buyer out of his or her money.

At the trial several issues were brought out. Both Harmon Auto and the City Attorney called expert witnesses to testify about the *condition* of *the bearings*. The expert witnesses differed about the condition of the bearings, though both agreed that the car could have safely been driven many more miles with the original bearings. Moreover, the prosecution also sent the bearings to the Chevrolet factory to be analyzed. The factory reported them in excellent condition. Another issue at the trial was the *judgment of the mechanic* that new bearings were required. When a person makes a decision of this kind, it is termed a *"judgment call."* In the situation involving Mrs. Clark's car, a person with experience had to make a judgment about what should be done.

Bill Sorensen—the mechanic claimed that his opinion at the time was that new bearings were needed. This, he said, was his *best* judgment, and *not* an attempt to defraud Mrs. Clark. The prosecution called several other mechanics to testify including Mr. Newsom and the mechanic from Acme Auto. All indicated that in their judgment, the bearings did *not* need to be replaced and that they would not have replaced them.

A third issue that was brought out at the trial involved the company's policy at Harmon Auto. This policy stated that mechanics were to receive extra pay or a commission on the parts that they used and not on how much work they did. As a result, the mechanics were under pressure to sell parts in order to make more money. Similarly, the service managers seemed to be pressured by this policy to suggest services in order to make it appear that they both were doing their job. The prosecution argued that both the service managers and the mechanics at Harmon Auto were encouraged to look for possible ways to do work on cars that required the use of additional parts, even if this meant defrauding the consumer.

For Discussion:

1. On the basis of the facts presented above, do you feel Mrs. Clark is the victim of consumer fraud? Why or why not? If so, what should be done?
2. What is expert testimony? Is it important? Do you feel expert testimony should be more important than the testimony of other witnesses? Why or why not?
3. In what other areas are people required to make judgment calls? What do you think consumers should do to protect themselves?
4. How much influence do you think the company policy on parts commissions at Harmon Auto would have in encouraging consumer fraud? Why? What might be the advantages and disadvantages of such policies? Do you feel such policies ought to be made illegal? Why or why not? What might be the consequences of making these policies illegal?
5. What organizations do you know about which exist to protect and aid consumers? How and when might you use their services?
6. What do you feel is the responsibility of the corporation, Harmon Auto, in this case: the service manager or the mechanic? Would your views remain the same if the bearings had not been replaced and their failure caused Mrs. Clark to have a serious accident? Why or why not?
7. Consider the following situation: you have recently married. You have a small business mowing lawns and caring for yards of people who are away on vacation during the entire summer. You have orally promised all your customers that their yards will be mowed and tended once a week. Your schedule is already full for the entire summer and your customers are depending on you. You receive a call from a wealthy family. They offer to pay you three times your usual rate to tend their yard while they are away. It is a very large yard and would take two days a week of your time. If you take the job, you could tend the yards of your other customers only once every two weeks. Yet, if you do not take the job, you will not have enough money to support yourself and your wife.

Decision:

- Do you take the job? What other alternatives are there?
- Explain your decision.
- List the reasons for your decision in order of their importance.
- If you decide to accept the big job, will you automatically be cheating your other customers?

3 Consumer Goods and Services: What About Quality? (Field Activity)

Price is not the only factor that must be considered in buying consumer goods and services. Quality—that is, the condition and suitability of an item—is also important.

One way that sellers assure the quality of their goods is through guarantees. A guarantee is an attempt to assure a consumer that the condition of an item is suitable for the use for which it is sold. If the item is not satisfactory, the buyer is entitled to compensation according to the conditions of a guarantee.

Another way that consumers assure the quality of an item they wish to purchase is to examine as many brands and types as possible, compare their features, prices, and guarantees. One organization, Consumer's Union, performs this service for consumers. It tests certain consumer goods and reports its findings in a publication called *Consumer Reports*.

Teacher Instructions:

OBJECTIVE: To understand the significance of quality as a factor in consumer goods and services and analyze the components affecting the quality of various items.

1. Ask students to read the handout, *Consumer Goods and Services: What About Quality?*
2. As an inquiry exercise, have students list some factors which might affect *quality* of the following items:
   a. Frozen yogurts
   b. Doctor's services
   c. Stereo systems
   d. Cars
   e. Jogging shoes
3. Follow the directions for the field activity. Allow students sufficient time to research the necessary information in order to successfully participate in the activity.
4. **Field Activity**

   Divide the members of the class into 6 groups. Each group should act as a consumer panel for one of the following items:

   Group I: Frozen yogurts
   Group II: Suntan lotions
   Group III: Doctor's services for routine physical examinations
   Group IV: Stereo systems
   Group V: Cars
   Group VI: Jogging shoes
5. Each group should:
   a. Identify the number and name of each product or service available.
   b. Identify the price of each brand or service.
   c. Identify the significant features of each brand or service available.
   d. Identify the advertising claims, if any, made for each brand of service.
   e. Identify what the consumer may reasonably expect of each brand of service in the future.
   f. Identify the cost of each brand or service if product or service is sold in different ways.
   g. Rate each brand or service and report the ratings to the class.

VEG. JUICES
FRUITS
VEGETABLES
MEAT - FISH
WIN 2000

4 Consumer Prices: What Does It Cost? (Survey)

Prices of food, cars and other goods may vary for many reasons: seasonal availability, the quantity or amount of product which is available, the size of the store in which a product is sold, the quality of materials and workmanship in the product itself. Prices may also vary because of manufacturer's or dealer's policies. You can learn to shop for the things you need so that you get the most for your money—no matter what you buy.

Teacher Instructions:

OBJECTIVE: To compare and contrast the variables in prices of consumer goods by conducting a survey and participating in the debriefing.

1. Ask students to list the many variables which can affect consumer prices. Ask the students to relate personal experiences in consumer price variance. Read aloud the introductory paragraph *Consumer Prices: What Does It Cost?*
2. Duplicate sufficient consumer surveys so that the students can begin the activity. It is recommended that students work in teams of 2-5 members.
3. After the students have completed the surveys, utilize the discussion to culminate this activity analyzing the data which they have collected.

Using the chart on the following page:

1. Compare prices on food items in two different stores of the same chain in different neighborhoods, e.g. inner city and suburban.
2. Compare prices of items in two different types of stores, e.g. a small neighborhood store and supermarket in the same neighborhood.
3. Compare prices over a set period of time by charting the rising costs of particular items. Are price changes related to shortages? Strikes? Government policies? Other factors?

Discussion Questions:

1. Why might there be discrepancies in prices in different stores?
2. Are these discrepancies fair? If not, where should you go to report discrepancies?
3. Do you think pricing should be controlled or regulated in any way? Why or why not?
4. If you favor controls on pricing, what prices would you control? How might you do this?
5. What might be the advantages and disadvantages of controlling prices?

5 The Civil Lawsuit (Case Study)

In a civil lawsuit, citizens try to resolve disputes and receive compensation for injuries that come about when no criminal acts have been committed. For example, if you accidentally break a valuable antique bowl displayed in a store, the store might sue you for damages. But since the breakage was an accident, no criminal act was involved. Of course, civil lawsuits may arise in many different situations including all of those discussed in Section 1 of this text.

Usually, civil lawsuits are begun by the person who feels wronged or injured. This person is called the *plaintiff* and he/she makes a complaint against the *defendant*. In the example above, the store would be the plaintiff and you would be the defendant. A plaintiff finds a lawyer who will prepare and file a complaint against the defendant.

The defendant receives a copy of the complaint and a summons to appear and answer the complaint. Usually, the defendant will want to retain a lawyer and prepare a response to the complaint. An investigation will take place on both sides. This investigation is called *discovery*, and during the investigation each side has the opportunity to learn about the case the other side intends to make. When both sides are ready and have completed their investigations, they may decide to end the lawsuit without a trial and "settle out of court."

If the plaintiff and defendant decide to go to court, a trial date is set, documents and witnesses are prepared, a jury is selected, and evidence is presented in a manner similar to that of a criminal trial. As in a criminal trial, the jury must decide a question of fact: whether the defendant has injured the plaintiff and, if so, what judgment should be made. In a civil trial a judgment may be an award of money, an order for the defendant to do or refrain from doing certain things, or restitution of certain privileges. The court has the power to enforce the judgment. As in a criminal trial, a decision may be appealed on the question of law. In this case study you will find an example of a *civil* lawsuit.

Civil Lawsuit Case Study: Personal Injury from Faulty Merchandise

The Incident

In August, 1976, Carol, who was about to begin her freshman year at college, bought a new stereo from Sounds Unlimited, a stereo store. The stereo had been manufactured in New York by Super Vibes, Inc., a Maryland Corporation, and distributed to Sounds Unlimited by Stereo Wholesalers, Inc., a California corporation.

The stereo was covered by a 90-day free parts and labor service warranty provided by the manufacturer, Super Vibes, Inc. In addition, the stereo bore the symbol of an independent safety testing organization.

Carol set up the stereo in her rented studio apartment and used it without incident for several months, although during that time she often noticed an "electrical odor" while the stereo was on. One evening in early December, while Carol was studying and listening to the stereo, the stereo burst into flames. The flames spread (rapidly) throughout the small apartment. Carol was terrified. As she fled from her apartment, she fell and broke her right ankle and her right arm.

Carol crawled to safety. Soon the fire department arrived and extinguished the fire before it spread to other apartments. Carol's apartment, however, was completely gutted by the flames and the apartment unit below was flooded with water used to put out the fire in Carol's apartment. Carol lost everything she owned in the fire.

Carol was taken to a local hospital where she was treated for her broken ankle and arm and for shock. She remained in the hospital for one day and had to return for outpatient treatment of her injuries, including the psychological problems caused by the traumatic experience. In addition, she was unable to complete the courses she was taking at college and was unable to return to her part-time job as a typist in the administration office of the college until two months after the fire when the cast on her arm was removed.

Discussion Questions

1. Who has suffered injury or loss in this incident?
2. Where should responsibility for the incident lie?
3. Is Carol in any way responsible for the incident?
4. From whom, if anyone, should Carol be able to recover damages? Why?
5. What items of damage, if any, should Carol be compensated for?
6. Should Carol retain an attorney?
7. What obligations will Carol have in a lawsuit?
8. Is there any danger of Carol being sued as a result of the accident?
9. What alternatives to a lawsuit might be available?
10. What would you do if you were Carol?

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6 Small Claims Court (Simulation)

Suppose

You have a dispute with an individual or a company or other organization involving $750 or less.

For Instance

Someone dents your fender and refuses to pay for repairs.

The merchandise you ordered was faulty when you got it and the seller won't return your money.

Your tenant hasn't paid the rent.

Your landlord won't return a deposit due you.

You're involved in a dispute over a bad check or some other obligation.

If you have a claim against someone for $750 or less, you can sue on it in Small Claims Court in a very informal hearing without a lawyer and the usual legal technicalities.

Although Small Claims Division is a branch of your local Municipal or Justice Court, there are none of the usual objections, technical arguments, or juries. Your trial date will be set promptly as specified by law. The cost is small. Both sides will have a chance to give their versions of the case.

So if a person won't or can't pay you, or disputes your claim, or says he owes only part, but not all of the money, you may use the Small Claims Division.

You don't have to be a citizen of the United States.

You do have to be at least 18 years of age, and if not you must have your parent or guardian appointed by the court to sue for you.

The Small Claims clerk will help you with this.

If you do not speak English the court will help you get an interpreter.

Small Claims cases move fast. Ordinarily it takes no more than 40 days to get to the hearing. That is, if the people involved are all in the same county, and the claim is served in time. If one of the people is outside the county, it might take up to 70 days for the hearing.

Teacher Instructions:

OBJECTIVE: To understand procedures and the importance of small claims court to the consumer.

1. Ask students to read the handout, *Small Claims Court.* Clarify and discuss any questions which the students may have.
2. Divide the class into four groups. Two members of each group should be selected as judges. The other members should be divided evenly between plaintiffs and defendants.
3. Each group will be assigned one of the cases.
4. Allow plaintiffs and defendants time to prepare their arguments based on the facts of each of the four cases. Plaintiffs and defendants should also prepare the necessary documents needed to support their cases.
5. The judges may also wish to read the cases and review small claims court procedures. The judges will listen to the evidence and make a decision on the cases presented. Judges should be ready to explain their reasons for their decisions during the discussion period.
6. After the simulation is completed, discuss, using the questions provided after the cases. In addition, you may wish to invite a resource person from the court or other agency to be present during the simulation and to discuss the work of the Small Claims Court.

DEFENDANT

Simulation

Small Claims Court

Case No. 1: *KAY vs. WOLF*

Plaintiff: BESS KAY, leasee in a luxury apartment building
cf2Defendant: MR. WOLF, owner/developer of the luxury apartment building

Bess Kay is called at work to come home to open her apartment door, because a water pipe has burst in the ceiling above her closet. All her clothes and shoes have been water damaged; her rugs are soaked and the bottom of all of her furniture has been damaged by the water.

She is told by the apartment manager, Mrs. Tye, to protect her property and to contact the building's insurance agent. In doing the latter, the insurance agent urges her to do whatever is necessary to protect her property, but to save all the bills.

Bess sends her rugs and pads out to be dried and cleaned and takes all her clothing to the dry cleaners. She keeps copies of all receipts. The total amount of damage is $250. She also asks an inspector from licensing and inspection to come out to view the damage. He confirms her belief that the damage has been caused by water leaking from a broken water pipe.

Two weeks after the incident, the manager, Mrs. Tye, calls Bess to explain that the burst water pipe was an "Act of God" and not negligence on the part of the developer, and therefore, the building's insurance company will not pay for any damages incurred by the accident. Bess sues.

Case No. 2: WHITNEY vs. MAX

Plaintiff: OLIVER WHITNEY, Purchaser of used stove
Defendant: SHIRLEY WAX, Owner of Super Value Furniture Company

Oliver Whitney bought a stove for $175 after checking over a number of them. He asked, "Is this stove guaranteed?" The store manager, Mr. Blum, answered, "We guarantee that the stove will work when it is delivered or we'll refund your money."

Whitney put $75 down and agreed to pay the remainder over the next two months. The stove worked well for the first month, but then he noticed, the day before the second installment was due, that the burners failed to heat. Whitney called the store and Mr. Blum said, "We'll try to repair the stove but you'll have to pay for parts and labor." Whitney argued that the store had guaranteed that the stove would work. Blum retorted that the guarantee did not specify a period of time and that Whitney should bring in the $100 due before the stove would be repaired.

Whitney called the Better Business Bureau for assistance and was informed that a file existed of other consumer complaints about Super Value Furniture Company. The B. B. B. representative encouraged him to sue the store in small claims court for failure to live up to guarantees and for sale of faulty merchandise. Whitney was sued for the balance of the money due on the stove.

Case No. 3: FISHER vs. SAMPSON

Plaintiff: LYNDA FISHER, Junior in High School
Defendant: STEVE SAMPSON, Owner of Pan-National Student Tours

Lynda Fisher desired to go to Japan for her summer vacation, but had only $500 saved. She read a full-page ad in a magazine, "Student group flights from Philadelphia to the Orient—only $450 round trip. To be eligible you must join our student group. Just send a deposit of $100 toward the purchase of a round-trip ticket and you'll become a member."

Lynda filled out the coupon for more information and received a brochure repeating the information in the ad and indicating that the chartered flights would be booked on a scheduled airline. She filled in the coupon and signed an agreement to join the student group plan and enclosed a $100 deposit.

A short time after, a membership card in Pan-National Student Tours arrived with a notation that Lynda's flight would be scheduled for June 28th. Final payment for the trip was requested by May 15th and tickets would soon follow. The remainder of the fare was mailed and Lynda heard no further word.

On June 1, she telephoned the Student Tours office and was told, "The trip is being processed and tickets will be sent as soon as plans are complete."

On June 20th, Lynda had still not heard from the tour office again. The agent, Mr. Strazzi, reported that the trip to the Orient had been undersubscribed and would lose money for the company. Therefore, the complete tour was cancelled. But for the same fare the company would fly Lynda to London and try and make other arrangements for transportation to the Orient. Of course the cost of the additional arrangements would be charged to the student members. Lynda demanded her money back, including the $100 deposit. Pan-National has not yet paid. Lynda sues.

Case No. 4: STEPHENS vs. HALL

Plaintiff: ANDREW STEPHENS, Owner of a 3-speed bicycle
Defendant: SIDNEY HALL, Owner of a bicycle repair shop

Andrew Stephens brought a bicycle into a repair shop because the gears didn't shift properly. He told Mr. Hall, the owner, to fix the gears as well as possible but not to do anything that cost more than $25. This request was written on the back of Andrew's receipt and signed by Mr. Hall. When Andrew came to pick up the bicycle the next week, he found that the shop had installed brand new gears and had thrown his broken gear shift away. Mr. Hall told Andrew that he owed $50. Andrew told Mr. Hall that he would pay $25 since that was the amount he had said was as high as he could go. Mr. Hall said he would not get the bicycle back until $50 was paid. Andrew sues.

Discussion Questions

1. What was the judges' decision on each case? Do you agree or disagree? Why?
2. Based on your experience in this simulation, what is the value of Small Claims Court to the consumer?
3. Why are Small Claims Court procedures so simplified?
4. How did you view the judicial process before you played this simulation? Have your feelings changed since role-playing? If so, how?
5. What power does Small Claims Court have to enforce its decisions?
6. What possible new directions could the Court take to help the consumer?

APARTMENT
FOR RENT
UNFURN. SINGLE
ADULTS. NO PETS
APPLY 4119 LOSFELIZ BD

7 Landlord-Tenant Problems (Case Study)

(Adapted from "People and City Scenes," *Housing Conflicts*, Scott Foresman Spectra Program, Larry Cuban, Editor)

"The 'cost of living' is going up!"

Perhaps you've heard that phrase. Certainly, it costs more to buy the necessities of life than it used to. Housing is one such necessity, and the price keeps going up. "How will we pay the rent?" is a question many tenants ask. On the other hand, landlords claim they must raise rents to cover *their* expenses.

Many of the rights and responsibilities of landlords and tenants are spelled out by the written or oral agreement that the two parties make. These agreements are usually either on a month to month basis (i.e., renting for no definite period of time) or by a lease (i.e., renting for a definite period of time.)

If you are leasing for a period longer than one year, the lease must be in writing; in most other cases the lease or month by month agreement only has to be oral, although it is definitely a good idea to put it in writing.

Both leases and rental agreements have advantages and disadvantages which you should consider. While you may not want the long term commitment of a lease, you should realize this kind of agreement gives you protection that a month to month rental agreement will not.

With a lease, you are assured that you can stay in the residence for a specific period of time, and the rent cannot be raised during that time unless the lease states otherwise. In a rental agreement, the landlord can evict you or raise the rent, as well as change other terms of the agreement.

If you find that you are having landlord-tenant difficulties, it is usually best after discussing with the other party to contact your local public agency having authority over such matters (consult your phone book for the number, although it may take several calls to find the correct agency; try looking under your city or county offices of "Consumer Affairs" or "Housing".) Or you can consult with an attorney, or legal aid program (look in the phone book under "Legal Aid.")

During this activity, you will have an opportunity to explore the landlord-tenant relationship and the possible solutions to a specific problem.

Teacher Instructions

OBJECTIVE: To exercise problem solving and decision-making skills in an activity dealing with conflict in the landlord-tenant relationship.

1. Ask students to read the introductory material, *Landlord-Tenant Problems*. Clarify any questions which may be generated.
2. Divide the class into groups of six. Let three members of each group represent tenants and three members represent landlords. Now, read the landlord-tenant problem described in the hypothetical case. Instruct students to work out an answer to the problem that is acceptable to both the landlords and tenants in their group. Remember: They must search for a *solution* to the problem. Do *not* try to fix blame.
3. After each group has worked out a solution to the problem, discuss the role play as a large group using the questions on the next page.

Discussion Questions

1. What decision or solution did each group make concerning the following questions:
   a. Who should pay the costs for the vandalized property?
   b. What suggestions do you have that would be fair to both parties? Is that possible? If not, why not?
2. If no solution were worked out, what legal actions might the landlord take? What legal actions might the tenant take?

The Problem

Mr. Jones, the landlord-owner of a four-flat building on 16th Street speaks: "It might as well be in a war zone. Every summer the children on the street come out like flies. In February it's cold and dark by five—nobody is outside. But come those hot days in summer and all hell breaks loose. Kids everywhere—slipping out of doors, falling out of windows, playing ball in the street and Birdman in the trees. And if you've got a fourth flat, look out! These kids tramp down hedges, bust windows, mess up mail boxes, rip up gates. Not all the kids, mind you. Just a few. But they sure do a job. Last year it cost me $600 to fix up. This year the bills are ove $1,200. I can't pay them unless I raise the rent $30 a month on each of my tenants. They'll squawk but I got no choice. I'll show you my budget to *prove* it."

Landlord's Business Budget: Annual

Present income from four-flat:
4 units at $145 per month x 12 months =$6,960 per year

Expenditures:

Mortgage payment ($190 per month)	2,280
Property Tax	900
Heat (gas)	600
Water	120
Maintenance (not including vandalism)	300
Insurance (fire)	400
Electricity (hall & outdoor lights)	40
Janitor	1,200
Total:	5,840
Vandalism cost per year	$1,200
Total Costs	7,040
Less Rents	-6,960
	$ 80

Mr. Smith, a tenant in Jones' building, speaks: "Thirty dollars a month more rent! The man's had too much sun. Where am I going to get that extra money? Besides, those kids that tear up—they're not ours. We watch ours like a hawk. I'm sorry. I'm not paying more rent because I can't and because I wouldn't if I could. Just look at my budget."

Tenant's Budget

Husband, wife and three children (no car, all apartment furnishings bought and paid for).

Total yearly take-home pay: $6,000 (500 a month)
Total expenses per month:

Rent	$155
Food	180
Insurance	20
Transportation	30
Clothing	25
Medical	30
Phone	15
Electricity	15
Laundry & Cleaning	20
Entertainment	10
Total:	**500**

Remember, your group must decide: Who should pay the $1,200 to fix up the vandalized property?

8 Fair Housing (Role Play)

Fair Housing: What Does It Mean?

Briefly, fair housing means that it is illegal to deny anyone on the basis of race, religion, nationality or sex the right to choose a place to live. How do you feel about the equal rights of all Americans to rent or buy housing? In the situations which follow you and the other members of the class will have the opportunity to discuss some incidents which deal with the issue of housing discrimination.

Teacher Instructions

OBJECTIVE: To identify situations which may illegally deny a person(s) their right in choosing a place to live and discuss alternate solutions to the conflicts.

1. Ask students to read the introductory paragraph on fair housing: *Fair Housing: What Does It Mean?* Lead an inquiry discussion on the evolution of fair housing and discuss the concept of housing discrimination.
2. Divide the class into four groups and assign a role play incident to each group. Using the information provided in each situation, have students role play the incident and debrief using the discussion questions provided at the end of the incident.
3. Discuss each role play situation with the entire class focusing on the alternatives available to those who feel they are discriminated against in housing.
4. **Supplementary Research Ideas:**

   Most states and the Federal government have established laws to assure that all citizens are fairly treated in choosing a place to live. These laws are usually referred to as fair housing laws or open housing laws.

   Individuals or groups within your class may wish to learn more about these laws:

   1. Do such laws exist in your state or area? If you don't know you might check with your state assemblyman's office.
   2. What are the requirements of fair housing laws in your state? In California, you might look up the following state laws:
      Unruh Civil Rights Act (Civil Code, Sections 51 & 52)
      Rumford Fair Housing Act (Health and Safety Code, Sections 35700-44).
      California Civil Code, Section 54.1
      What should someone in your state do if he/she feels unfairly treated with regard to housing?
   3. What are the requirements of fair housing laws at the Federal level? You might look up the following Federal laws:
      Civil Rights Act of 1968, Fair Housing Section (42 USC, Sections 3601-3619)
      1866 Civil Rights Act (42 USC, Sections 1981-1983)
      What remedies does someone have from the federal government if he/she has been treated unfairly with regard to housing?
   4. What advice would you give to landlords and sellers with regard to fair housing? What advice would you give to prospective buyers or renters with regard to fair housing?

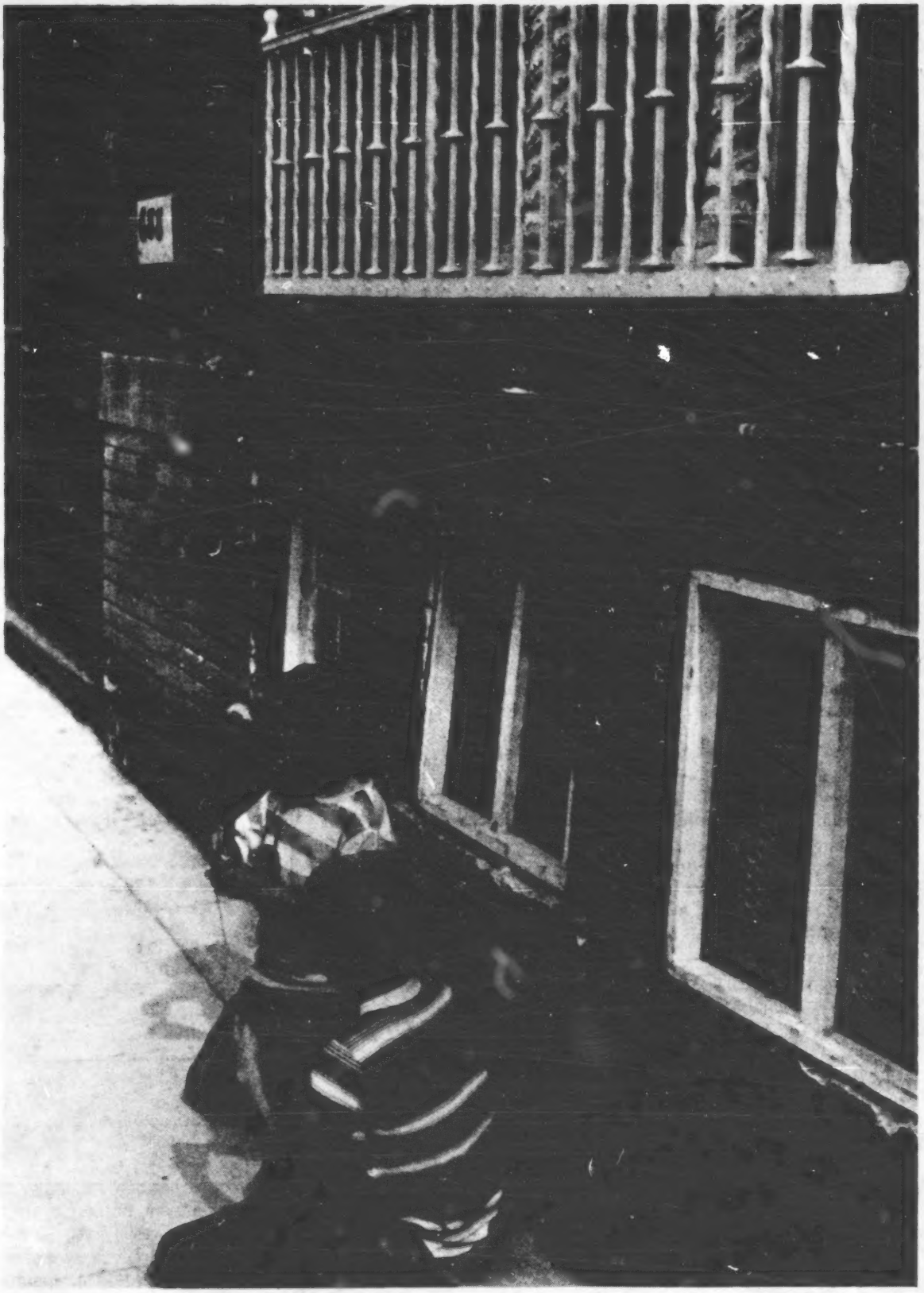
Role Play

Fair Housing

Incident No. 1

The Waiting List

1. Participants:
   - A white husband and wife who manage an apartment house.
   - A young black married couple looking for a place to live.
2. The Situation:
   - The young black couple has been looking all day for a reasonably priced apartment. The two young people need a place to live within walking distance of the college they both attend. The couple spotted a "For Rent" sign posted on the outside of the apartment building.



- The white couple who manage the apartment house is afraid of black people and comes up with all kinds of excuses not to rent to them. When all else fails, the white managers say that the black apartment seekers will be put on a "waiting list."

3. Discussion Questions:
   - Was the position of the white couple reasonable? Was it legal?
   - What do you think the black couple should do next?

Incident No. 2

Single Women

1. Participants:
   - A 65-year-old manager of a four-unit apartment house.
   - Two 22-year-old attractive single women.
2. The Situation:
   - The young attractive women have been looking for a place to live at the beach. They see an apartment for rent in a perfect location.
   - The apartment house manager refuses to rent to single girls, and tells them straight out: "Single girls bring nothing but trouble to an apartment house."
3. Discussion Questions:
   - How do you think the two women felt about their roles?
   - Should apartment house managers have the right to keep out anyone they think will cause trouble?

Incident No. 3

"Steering"

1. Participants:
   - A middle-income minority group couple looking for a house to buy.
   - A realtor showing the couple houses for sale.
   - A white couple with a house for sale.
2. The middle-income minority couple has been shown several houses by a realtor. However, after a while the minority couple suspects that they are being "steered" away from Oak Hill, a middle-income, all-white part of town. The couple confronts the realtor with their suspicions. The realtor says that Oak Hill has always been a white area, and the people living there want to keep it that way. The realtor tries to convince the couple to look elsewhere. Finally, the realtor gives in and agrees to show the couple a house for sale in Oak Hill.
   - The white couple with the house for sale is shocked when the realtor brings the couple to see their home.
3. Discussion Questions:
   - Should realtors "steer" house buyers away from areas where they are not wanted?

Do you think there are some legitimate reasons for refusing to sell a house to a minority person? What are they?

Incident No. 4

"Zoning"

1. Participants:
   - A city zoning board.
   - A group of low-income citizens.
2. The Situation:
   - The zoning board of Foothill Heights has recently voted to refuse to allow the construction of low-income housing in the city. The board responded to the feeling of most homeowners in Foothill Heights who wish to keep their reputation of living in a "city of exclusive homes."
3. Discussion Questions:
   - What is your position on this controversy? Why?
   - Do you think cities should be allowed to pass zoning laws which restrict the type of housing which can be built? What effect would these zoning laws have on the type of people who live in these cities?

Supplementary Inquiry Discussion Questions

1. Now that you are familiar with some laws relating to the relationship between landlords and tenants, try to answer the following questions:
   a. Jack decides to rent an apartment from Mr. Norton. Mr. Norton wants Jack to sign a rental agreement stating that Jack will pay $300 in rent on a month to month basis plus $100 as a security deposit. Must Jack pay the security deposit? If Jack pays the deposit, can he get it back?
   b. After Jack has lived in Mr. Norton's apartment for a few months, he finds that a loose wire is causing an electrical hazard in the wall switch in his bathroom. He asks Norton to fix it, but several months pass and Norton does nothing. May Jack withhold from his rent the amount needed to have the faulty wire repaired?
   c. Norton decides he wants Jack to vacate his apartment. He tells Jack in writing that he must leave in 30 days but refuses to give a reason. Jack says he will not leave. May Jack refuse to leave legally? What will happen if Jack does not leave?
   d. Betsy has lived in her apartment for several years. Recently, she came home and discovered her landlord was in her apartment looking in her kitchen. The landlord explained he was looking for the source of a gas leak. Does the landlord have a legal right to enter Betsy's apartment for this purpose?
   e. Betsy went on a three-month trip during the summer. She allowed a friend to stay in her apartment while she was gone and left a note for her landlord saying her friend would pay the rent while she was away. Did Betsy sublet her apartment in a legal way?
   f. Rick, a teacher who happened to be black, tried to rent an apartment near the school where he taught. He saw an ad in the paper and called. The landlord said to come over. However, when he went to see the apartment the landlord said it had already been rented and the sign had accidentally been left up. Were the landlord's actions legal?

9 Sex Discrimination

In recent years, we have come to object to many of the more obvious forms of sex discrimination or "sexism" in our society. For example, it has become more acceptable for women to attend college and engage in professions which, in the past, were considered "men's work". Similarly, it has become more acceptable for men to engage in child care and in jobs, such as nursing and airline attendants, that have commonly been associated with "women's work". Most often, prejudiced behavior—particularly our own—is so deeply ingrained that we do not recognize it.

Since we are often unaware of the subtle ways our behavior reflects such prejudices, it is difficult to identify their influences on our own personalities and choices.

The following activities will help you focus attention on ways in which your behavior may reflect your values and prejudices regarding the roles of men and women. As a result of this examination, you will have a greater choice in the ways you behave and approach problems.

Sex Discrimination and the Constitution *(from Bill of Rights Newsletter, Fall 1972)*

All stereotypes based on sex, race or religion cause inequalities. Laws have corrected many ethnic and racial inequalities. Supreme Court decisions as well as State and Federal laws have remedied many discriminatory practices against Black and alien males. But women have never been granted equality by the Supreme Court's interpretation of the Fourteenth Amendment, and sex has been considered an acceptable classification and not discrimination. The proposed Equal Rights Amendment now before the states for ratification would guarantee women constitutional equality. The proposed amendment states:

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by a state on account of sex."

"Section 2. The Congress shall have the power to enforce by appropriate legislation, the provisions of this article."

"Section 3. This amendment shall take effect two years after the date of final ratification by the states."

This proposed amendment was passed by the House of Representatives, 354-23, on October 12, 1971, and by the Senate on March 22, 1972. To be law it must be ratified by three-fourths of the states; that means 38 states must approve the amendments. To date, it has been ratified by 35 states.

Congressional adoption of the amendment took almost 50 years. A women's rights amendment was first introduced in 1923. Since then it has been introduced in every session of Congress.

Teacher's Instructions

OBJECTIVE: To examine the role of women in our society and identify individual biases.

1. Ask students to read the introductory material on sex discrimination. Allow sufficient time for discussion since many students will have both personal experiences and views to share with the class.
2. The following can be conducted by members of the class in making an analysis of the image of women on television or radio. The class should work in teams of five or six, dividing responsibility for hours, days and channels. Each team can meet to design their work, tally sheets, and then work together organizing and analyzing their results. Final reports should be presented to the entire class. Copies of these reports might also be sent to local newspapers, television and radio stations, and women's organizations.
3. Have students respond in writing to the following questions:
   1. What were your findings about the image of women in the media?
   2. Does the image of women in the media reflect prejudices or stereotypes? What about the image of men?
   3. Should the image of women in the media be changed? If so, how?

Research Activity

Equality and the Media

To begin this project you need to know something about the law. The Federal Communications Commission licenses radio and television stations every three years. To revoke a license, the FCC must be given proof that a station:

(1) discriminates in employment

(2) does not meet the needs of its audience

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(3) violates the fairness doctrine—it does not present a balanced point of view.

Evaluate one of the TV or radio stations in your community using the following criteria.

Team 1: News

(1) How many male and female anchormen and reporters are on the air?
(2) Who reports what kind of news? Do women do only children's fashion or "human interest" stories?
(3) How much time are women on camera compared to men? (There may be women backstage but not up front or vice versa.)
(4) Is there coverage of news relevant to women? For instance, WABC in New York did not cover the Martin-Marietta decision, a historic determination by the Supreme Court that women cannot be denied jobs because they have pre-school children—the first use of the 14th Amendment as a protector for women citizens as well as men.
(5) How is women's news covered? What is the time priority given to it? Are such events treated seriously?

Team 2: Public Affairs

(Including documentaries, panel discussions, religious shows and public service announcements. All stations are obliged to include some of these announcements, but can choose which).

(1) How many males and females are hosts? Guests? Interviewers?
(2) What issues are treated?
(3) What is the interaction between men and women on the show? Who is in control of the format?

Team 3: Dramatic and Situation Shows

(1) Is the hero or central figure male or female?
(2) What is the relationship of the women in the story to the central figure?
(3) What does the story line say about women and their role in society?
(4) How are the women treated by the other characters?

Team 4: Children's Programs

(1) Is the host or central figure male or female?
(2) What is the role of little girls on the show? How active are they? What kinds of tasks do they perform? How does this compare to the role of little boys on the show?
(3) How do the adults treat the boys? The girls? How do they interact with each other?

Team 5: Sports

(1) How much attention is given to women's sports events on the news shows?
(2) To what extent are women's sports events televised? (Use newspaper listings of women's sports events and information from women's sports associations to analyze the station's performance.)

Team 6: Commercials

(1) How many women are shown as:
Housewives
Sex Objects
Leading independent lives
(2) How often do men benefit from the advice the commercial gives to women (cleaner shirts, better coffee, more energetic wives)?
(3) How often does a male voice give women advice? Female voice?
(4) How often is advice to women intended to make them more physically attractive to men?
(5) What activities, besides eating breakfast, do children's commercials suggest for little boys and girls?
(6) Based on commercials, write a brief profile describing the "Ideal" American man and woman from the standpoint of their appearance and the products they use.
(7) Make a list of the four most acceptable and four least acceptable commercials that you saw along with your reasons for liking or disliking each of them.

10 Sex Discrimination and the Courts

The areas of greatest discrimination based on sex are those regarding family law and restrictive labor legislation. However, as discussed earlier ERA will affect other areas of our lives. The Senate Report on the Equal Rights Amendment states:

"Essentially, the amendment will require that the Federal government treat each person, male and female, as an individual. It will not require that any level of government establish quotas for men or for women in any of its activities; rather it simply will prohibit discrimination on the basis of a person's sex."

Teacher Instructions

OBJECTIVE: To identify the influence of the courts in matters involving sex discrimination and the laws and rules which apply to the treatment of women.

1. Assign the introductory material, and review the reading *Sex Discrimination*. Discuss the potential results of the ERA before beginning the case studies.
2. Assign the six case studies for the students to read and react to independently or in small groups. (The latter method stimulates more discussion.)
3. After answering the questions which follow the cases, have students discuss the following:
   - What powers do the courts have tc make and enforce laws regarding sex discrimination?
   - What value might the passage of the Equal Rights Amendment have in cases such as these?

Case Studies

Sex Discrimination and the Courts

Case 1: *La Fleur & Nelson vs. Cleveland Board of Education*

Jo Carol La Fleur and Ann Elizabeth Nelson are junior high school teachers employed by the Board of Education of Cleveland, Ohio. In accordance to a rule first adopted in 1952, the school board requires every pregnant school teacher to take maternity leave without pay, beginning five months before the expected birth of her child. Application for such leave must be made no later than two weeks prior to the date of departure. A teacher on maternity leave is not allowed to return to work until the beginning of the next regular school semester which follows the date when her child is three months old. A doctor's certificate of health is required before the teacher can return. The teacher on maternity leave is not guaranteed a job when she wants to return; she is given priority to any position for which she is qualified. Failure to follow all of these provisions is grounds for immediate dismissal.

Neither Mrs. La Fleur nor Mrs. Nelson wished to take an unpaid maternity leave; each wanted to continue teaching until the end of the school year. However, because of the mandatory maternity leave rule, each was required to leave March, 1971.

The two women filed separate suits in the U.S. District Court challenging the constitutionality of the maternity leave rule. The cases were tried together and arguments were rejected. On Appeals, the Sixth Circuit Court of Appeals found the Cleveland rule in violation of the Equal Protection Clause of tbe 14th Amendment.

Case No. 2: Susan Cohen vs. Chesterfield County School Board

Susan Cohen was employed by the school board of Chesterfield County, Virginia. That board's maternity leave regulations require that a pregnant teacher leave work at least four months prior to the expected birth of her child. Notice in writing must be given to the school board at least six months prior to the expected birth date. A teacher on maternity leave is declared re-eligible for employment when she submits written notice from a doctor that she is physically fit and when she can give assurance that care of the child will cause only minimal interference with her job responsibilities.

Mrs. Cohen informed the Chesterfield County School Board in November, 1970 that she was pregnant and expecting around April 28, 1971. She initially requested she

be permitted to continue teaching until April 1. The school board rejected this request and her next one asking to teach until January 21, the end of the first semester.

She filed suit and the District Court held that the school board violated the Equal Protection Clause. The Court of Appeals, meeting *en banc* upheld the constitutionality of the challenged regulations.

Both the La Fleur and the Cohen cases were heard together by the Supreme Court to try to resolve the conflict between the Courts of Appeal.

Discussion

1. List some arguments the school boards might use to justify the mandatory maternity leave.
2. What arguments might Mrs. La Fleur's, Mrs. Nelson's and Mrs. Cohen's attorneys use on their behalf?
3. How should the Supreme Court resolve this controversy? Why?
4. What are the implications of the Supreme Court's decision?

Case No. 3: *Reed vs. Reed, Administrator* 93 Idaho 511, 465 P 2d 635

Richard Lynn Reed, a minor, died without leaving a will in Idaho on March 29, 1967. His adoptive parents were separated. Approximately seven months after Richard's death, his mother, Sally, filed a petition in *Probate* Court asking to be appointed as *administratrix* of her son's personal property and a small savings account amounting to approximately $1,000.00

Before the hearing date on Sally's petition, Cecil Reed, the father of the deceased, filed a competing petition to have himself made administrator instead of his wife.

The probate court held a joint hearing on both petitions. One section of the Idaho Code, lists 11 classes of persons who are entitled to administer an estate in order of priority in case there are competing petitions.

(1) The surviving husband or wife or someone appointed by him or her.
(2) The children
(3) The father or mother
(4) The brothers
(5) The sisters
(6) The grandchildren
(7) The next of kin entitled to share in the estate
(8) Any other relative
(9) The public administrator
(10) The creditors of the deceased
(11) Any person legally competent

Since the father or the mother are listed within the same class, it would appear that each would be entitled equally to administer their son's estate. However, the next section of the code reads:

> *of several persons claiming and equally entitled to administer, males must be preferred to females and relatives of the whole to those of half-blood.*

The Idaho probate court allowed the father to be made administrator of the estate without a hearing, citing the second secion of the code for its rationale. Sally Reed appealed the decision on the grounds that the challenged section violated the Equal Protection Clause of the Fourteenth Amendment.

Discussion

1. What do the italicized terms mean?
2. What grounds would the probate court give to justify the second section of the code?
3. What arguments would you use to present Sally Reed's case to the Supreme Court?
4. How will the Supreme Court decide this case? Why?

Case No. 4: *Muller v. Oregon* 208 U.S. 413

On February 19, 1903 the legislature of the State of Oregon passed an act, which stated that no female shall be employed in any mechanical establishment or factory or laundry in this state more than ten hours during any one day. The hours of work may be so arranged as to permit the employment of females at anytime so that they shall not work more than ten hours during a twenty-four hour day.

On September 18, 1905 a complaint was filed against Curt Muller, the owner of the Grand Laundry in Portland and the employer of females because he required Mrs. E. Gotcher to work more than 10 hours in the laundry on September 5.

A trial resulted in a verdict against Mr. Muller who was sentenced to a fine of $10.00.

Mr. Muller appealed to the Oregon Supreme Court and lost. Upon appeal to the U.S. Supreme Court he argued the following points:

(1) The statute attempts to prevent persons from making their own (work) contracts and violates the 14th Amendment of the Constitution.
(2) The statute does not apply equally to all persons similarly situated.
(3) The statute is not a valid exercise of the police power, because the work prescribed is not unlawful, immoral or dangerous to the public health.

Discussion

1. What are the issues involved in this case in your own words?
2. What arguments can you present for the state of Oregon?
3. What is the "police power" of the state? From where do they get this power? List other examples of the state's police power.

Case No. 5: *Frontiero vs. Richardson (1973)* 411 U.S. 677

In an effort to attract career personnel through re-enlistment, Congress established in 37 USC 401, a scheme for the provision of fringe benefits to members of the uniformed services on a competitive basis with business and industry. A member of the Armed Forces is entitled to

an increased "basic allowance for quarters" and a member's dependents are provided comprehensive medical and dental care.

Appellant Sharon Frontiero, a lieutenant in the U.S. Air Force, sought increased quarters allowance and housing, and medical benefits for her husband, Joseph, on the grounds that he was her "dependent". Lieutenant Frontiero's application was denied because she failed to demonstrate that her husband was dependent on her for more than one-half of his support.

The Frontieros brought suit because the Air Force, by making this distinction, unreasonably discriminated on the basis of sex in violation of the Due Process Clause of the Fifth Amendment. Their argument had two thrusts:

(1) A female member is required to demonstrate her spouse's dependency, while male members do not.

(2) A male member who does not provide more than one-half of his wife's support receives benefits while a *similarly situated* female member is denied such benefits.

The Frontieros asked the Supreme Court to place a *permanent injunction* against the continued enforcement of the statutes and an order directing the Air Force to provide Lt. Frontiero with the same housing and medical benefits that a similarly situated male member would receive.

Discussion:

1. What do the italicized terms mean?
2. Explain in your own words the arguments provided by the Frontiero's to the Court.
3. What arguments could the Air Force provide on their side?
4. How would you, as a member of the Supreme Court, decide this case?

Case No. 6: *Bradwell vs. Illinois* 21 L.E.D., 442

Myra Bradwell was a married woman of full age, a citizen of the United States, and of the state of Vermont residing in the state of Illinois, and an attorney. She asked to be admitted to the bar of the state of Illinois and was denied admission.

By the rules of the state, no person can be admitted to practice at the bar without service for a fixed time in the highest court of the state in which he/she resides. She must also obtain a license for that purpose from two justices of the State Supreme Court, allowing her to appear in all courts of record within the state and to practice as an attorney and counselor at law.

The Illinois Supreme Court refused to grant Mrs. Bradwell a license to practice law in that state. The reasons stated were that Mrs. Bradwell was a married woman. Since married women were, at the time, disqualified from entering into contracts with third persons, the Illinois Court said she would not be bound by contracts "which it is the policy of the law to create between attorney and client."

Upon filing her printed argument, Mrs. Bradwell was told that the Illinois Supreme Court simply held that no female was eligible to practice law in that state.

Mrs. Bradwell challenged the Illinois decision in the Supreme Court of the United States on two principal grounds:

(1) It violated the privileges and immunities she enjoyed as a U.S. citizen, from the 14th Amendment.

(2) It violated her privileges and immunities as a citizen of Vermont, under Article 4, Section Two of the United States Constitution.

Discussion:

1. What section of the 14th Amendment could Mrs. Bradwell use as grounds for her argument?
2. What does Article 4, Section Two of the U.S. Constitution provide for?
3. How would you as a Justice on the Supreme Court of the United States decide this case? Give a rationale for your decision.

Recognizing Sexism

Now read the situations below and then discuss how each might be an instance of sex discrimination, that is, a reflection of deep-seated prejudices about the way men and women should be.

a. Carl is frustrated by the favoritism that his English teacher shows toward athletes. He has noticed that if sports teams win, members of those teams are excused from classroom quizzes. He also suspects their papers are graded more easily than those of other students.

b. Rose Collins has always been interested in working with her hands. She has taken all the courses available in ceramics and crafts. She would now like to take woodshop but finds there are no classes open to girls.

c. Roger has always been embarrassed to take his friends home. His mother is a successful real estate saleswoman and his father stays home and keeps house.

d. The Murphys have two small children at home. The youngest is just starting kindergarten. Mrs. Murphy would like to get a job both for the money she would earn and the opportunity to do something worthwhile outside the home. Mr. Murphy is opposed to the idea because he wants his wife "at home".

e. Mr. and Mrs. Carter go to a toy store looking for Christmas presents for their daughter aged 5. Mr. Carter wants to buy her a doll. Mrs. Carter says a puzzle would be more suitable.

f. Harold Carolson has always been an avid sports fan. When his only son was born he had high hopes that the boy would grow up to be a star athlete. After years of encouragement from Harold, it became clear that his son was more interested in art and music than in sports.

g. Sherry has always been interested in dentistry. As a child she was fascinated by the work of her orthodontist. She has always hoped to go to dental school. Her school counselor has advised her that girls become dental hygienists, not dentists.

h. Rebecca plans to attend graduate school. She wants to get a PhD in English Literature. The graduate school advisor tells her that they prefer not to take women in graduate programs in an academic field and suggests that Rebecca enroll in the teacher education program.

i. Cathy Hart is a successful career woman. She is divorced and has two small children. She has found a house that she would like to buy but is having difficulty getting financing since most banks and savings and loan institutions are not willing to loan money to a woman of child-bearing age.

II Immigration Law

1. What is Immigration Law?

Generally speaking, all persons in the United States are either citizens or aliens. All aliens are subject to immigration laws which regulate how they may enter the country and how long they may stay. The vast majority of aliens enter the country legally. They may be immigrants, that is, persons who have been admitted for permanent residence. They may be non-immigrants, that is, persons who are admitted temporarily for specific purposes and periods of time. Usually, non-immigrant aliens may not accept employment unless they have been admitted for that purpose. All of the laws which apply to the admission and regulation of aliens is called immigration law.

2. A Nation for Immigrants?

At the end of the Vietnam War, 130,000 refugees were admitted to the United States. Except for highly-skilled professionals who found jobs easily, many of these people have had great difficulty finding work. A large number are now on welfare. In some states they have become a burden to schools which are short on funds. Do you favor or oppose the admission of these refugees as permanent residents of the United States? Do you believe there should be restrictions which limit who can enter the United States? What should those restrictions be?

During its existence as a country, the United States has approached the question of foreign immigration from a number of different perspectives. For some time, there was great support for "open" unrestricted immigration and the viewpoint that the United States should be and could be the "haven" for all people who desired to live here.

Later, however, serious reservations developed regarding this perspective. Instead, some form of restricted immigration was proposed. As a result, the United States has utilized various quota systems. At first we enforced quotas on national origin. Later immigrants were admitted because of certain skills and family ties.

The founders of our nation once believed the country should be open to all who wished to come here. Now, we are reexamining our past and present policies regarding immigration, and a number of important questions related to immigration:

- Have our policies regarding immigration been consistent with the ideals and principles upon which this country was founded?
- Is there sufficient reason to care what kind and how many immigrants are admitted to the United States?
- Is our present immigration policy the best one possible? What are the alternatives?

Teacher Instructions

OBJECTIVE: To analyze the criteria in Immigration Law and discuss how the policies are consistent/inconsistent with the principles of democracy.

1. Ask students to read the introductory material, *Immigration Law.* Discuss using the questions at the end of the reading.
2. Divide the students into groups and have them role play the activity, *Who Should be Admitted?*
3. Have the entire class debrief the activity, sharing their rationale for the decisions they made regarding the admission of immigrants.

Role Play

Who Should Be Admitted?

1. How do you feel about the United States immigration policy today? Do you feel it is consistent with the principles which serve as the basis for our democratic government and society?
2. What do you think the importance of each of the following characteristics should be to the admission of immigrants?

Characteristics

a. Race
b. Nationality
c. Skills
d. Age
e. Physical Condition
f. Employment Potential
g. Mental Condition
h. Criminal Record
i. Relationship to United States Citizens
j. Political Organization Membership
k. Beliefs
l. Degree of Wealth
m. Political/Religious Refugee

3. Which of the following individuals should be admitted as immigrants? Place each individual in one of the following three categories:

1) Likely to admit
2) Questionable
3) Likely not to admit

- A doctor from a Middle East nation who wishes to study a medical specialty in the United States, then live here.
- A poor farmer from Africa who is suffering from a mild case of leprosy.
- A nuclear physicist from Northern Europe who has been a member of the Communist party there.
- A Japanese businessman who is well known for his management skills.
- A Black African leader who has been a strong supporter of socialism but who has recently been ousted from his nation.
- A Northern European who is well educated and has served time for bank robbery in England.
- A Southern European businessman who it is rumored has "Mafia" ties.
- An Arab child whose mother now resides in the United States.

4. What were your reasons for your decision in each case in No. 3 above?

12 The Problem of Illegal Aliens

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The United States is facing a serious immigration problem: too many people are entering the country illegally. Most of these illegal aliens come to the United States from Mexico where wages are low and unemployment is high. Most of these illegal aliens hope to find work and a better life in the United States. In many cases, these illegal aliens have given whatever money they have to persons who promise to get them safely across the borders. Once here, illegal aliens are subject to many pressures: They must be very careful not to be discovered by authorities because they will be deported. Consequently, they must remain unknown and must live outside of society. Many lead useful and productive lives, but because of their uncertain status, they are often victimized by unscrupulous people who know the illegal alien has no one to turn to for help in a foreign country.

Recently, President Carter has suggested that he would declare an "amnesty" and that all illegal aliens presently in the United States would be allowed to stay. As a result, many illegal aliens may achieve a more secure place in this country. However, this news has also encouraged more people to come into the United States illegally in anticipation of the amnesty.

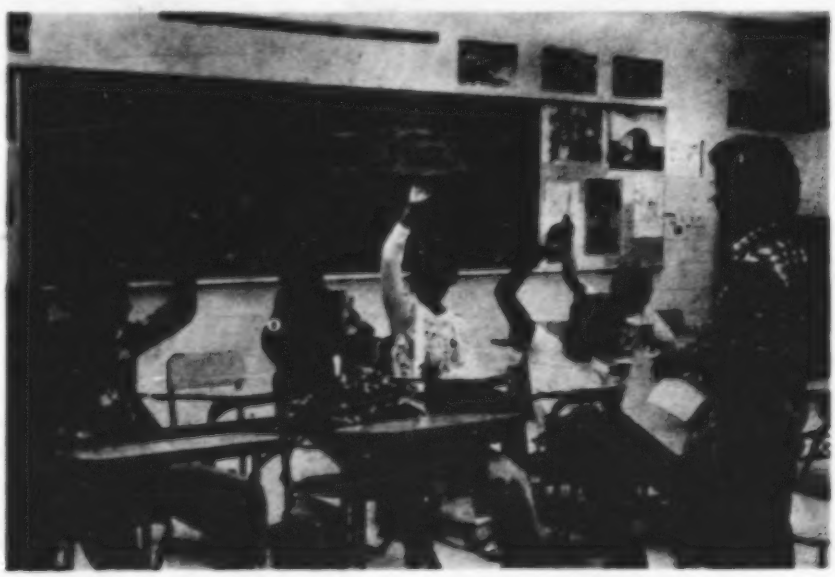
As a possible research activity, divide the class into teams of five or six members each. Let each team investigate an important aspect of the problems of illegal aliens. These might include, for example, employment, health, crime, welfare, citizenship, and law enforcement. Look in newspapers, magazines, and/or other sources of information on the problem of illegal immigration and the difficulties faced by these immigrants. When your research is completed, compile a team report. Share your findings with the class. Then discuss the following questions:

1. What are the major problems caused by illegal aliens?
2. What are the major problems faced by illegal aliens?
3. What is being done now to solve these problems?
4. What should be done to solve these problems?
5. What immigration policies or changes in immigration law would you recommend for handling illegal aliens?
6. Based on your research, do you believe President Carter's plan for an "amnesty" for illegal aliens is a good approach to this problem? Why or Why not?

Teacher Instructions

OBJECTIVE: To identify the problem of illegal aliens and through the case study method to understand the variables in the process of deportation.

1. Ask students to read the introductory material, *The Problem of Illegal Aliens*. Allow sufficient time for the students to research the various aspects of illegal aliens. Use the questions provided as a guideline to focus on the problems of illegal aliens.
2. Assign the case studies on deportation. Students may respond to the specific questions following the case studies either orally or in writing. Use the following discussion questions as a culmination activity:
   1. Do you feel immigration laws are necessary? Why or why not?
   2. Do you think the United States should establish quotas for immigrants? Why or why not?
   3. What immigration policies would you advocate for the United States?



Case Studies

Deportation

The government has the power to regulate which aliens may enter the United States, how long they may stay and whether they are people who should be allowed to remain.

An alien who is removed from the country is said to be *deported*. For example, an alien who enters the country illegally will usually be deported when authorities learn of his/her whereabouts. However, there are often other reasons for considering deportation as the case studies below suggest:

Case No. 1:

Paul Brodie filed a petition for naturalization in 1975. Brodie was a veteran of the United States Army, and had received an honorable discharge from it. The Immigration and Naturalization Service, however, disputed that Brodie had proven he was of "good moral character", as was required, because he was a homosexual and could have been denied entry into the United States for that reason.

Discussion Questions:

A. Do you agree that a homosexual is automatically of bad moral character? How would you go about determining whether or not someone is of "good moral character"?

B. What was Congress trying to do when it designated certain classes of people as being ineligible to come into the United States? Is the denial of citizenship because of homosexuality consistent with these goals?

C. The Brodie case involved someone who was already in the country and was trying to become a citizen. Do you think there are different factors that should be taken into account in such a case as opposed to one in which someone is trying to get into the country in the first place?

D. What would your decision be in Brodie's case?

Case No. 2

John Lennon, a British citizen and resident, had been living and working in the United States on a temporary visa. He applied for a special visa that would allow him to become a permanent resident without his having to return to England to wait his turn on the quota list. He made his application on the basis of the fact that he was a famous entertainer and should, therefore, get preferred treatment.

This request was denied and Lennon was asked to leave the country by the Immigration and Naturalization Service. He was ordered deported because he had been convicted while living in England for possession of marijuana.

Yoko, his wife, a Japanese citizen but longtime resident of the United States, also requested permanent residency so that she could find her child by a former marriage and raise her in the United States, as required by the custody agreement. The child had been abducted by the father and her whereabouts were unknown.

Discussion Questions:

A. Do you believe John Lennon should be deported? Why? Why not? Should Yoko be awarded permanent residency? Why? Why not?

B. Would you make the same judgment if the person had not been a popular rock singer?

C. What if he were a former prime minister of a foreign country who had come to the United States seeking political refuge? What if he had been a dealer in drugs?

D. What decision would you make in John Lennon's case?

Case No. 3:

Suzanne Jardin, a twenty-two-year-old citizen of French Morocco, entered the United States possessing a valid immigrant visa to reside in the country permanently. She had complied with all necessary requirements to get her United States visa and had a valid French Moroccan passport. At the time she entered the United States she was inspected by immigration officials of the Immigration and Naturalization Service and was admitted. Three years passed during which time Ms. Jardin lived an exemplary life, teaching at a local junior college and taking part in many community activities. During this period, the Immigration and Naturalization Service found out that Ms. Jardin had previously been a prostitute in her native country. She had however, discontinued this occupation two years before coming to the United States. At no time since she entered the United States had she been engaged in prostitution. In French Morocco prostitution was entirely legal at the time Ms. Jardin was a prostitute.

Immigration officials have filed an order to show cause to have Ms. Jardin deported on the grounds that she had in the past engaged in prostitution. Upon receiving notice of the charges against her, Ms. Jardin asked her attorney whether she can be deported under the United States immigration laws. If she is deportable, Ms. Jardin wishes to know whether there are any possibilities of attacking the Federal law on constitutional grounds.

Discussion Questions:

A. What are the major issues raised by this case?

B. Who has an interest in the issues? Which of these interests are or should be protected by law?

C. If you were Ms. Jardin, what arguments would you make to support your right to enter the United States and your right not to be deported?

D. If you were the Federal government, what arguments would you make for the right to exclude and/or deport Ms. Jardin?

E. How would you resolve the issue and why?